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DOCKET NO. 52531

PETITION OF E REAL ESTATE, LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND MARILEE SPECIAL	§	
UTILITY DISTRICT'S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN COLLIN COUNTY BY EXPEDITED	§	
RELEASE (TRACT 4)	§	

ORDER NO. 4
FINDING PETITION ADMINISTRATIVELY INCOMPLETE AND PROVIDING
OPPORTUNITY TO CURE

This Order addresses the September 8, 2021 petition of E Real Estate, LLC to amend Marilee Special Utility District's water certificate of convenience and necessity (CCN) in Collin County by streamlined expedited release. E Real Estate filed supplements to the petition on October 8 and November 4, 2021. On December 3, 2021, Commission Staff filed its recommendation on the administrative completeness of the petition.

The administrative law judge (ALJ) finds the petition administratively incomplete for the reasons described in the memorandum of Pai Liu, attached to Commission Staff's recommendation. In addition, the ALJ is having difficulty understanding and identifying the land for which release is sought. As the ALJ understands it, the petitioner is seeking release of a number of properties under a number of separate docket numbers. The petitioner acquired the properties through a number of deeds. The ALJ is having difficulty understanding which deed(s) and which "tracts" identified within the deed(s) are at issue in this docket. Moreover, the petitioner is seeking, in this docket, the release of what it describes as "tract 4," but the boundaries of tract 4 do not seem to be consistently portrayed. For example, compare the maps attached to the petitioner's November 4 supplemental filing. In the third map, is the area bounded by a red line but within the brown area shown as lying within a 272.545-acre tract meant to be a part of "Tract 4" for which release is sought in this docket? If so, is that brown area not contiguous with the blue area due to an intervening landowner (i.e. a county road)?

The following procedural schedule applies for continued processing:

Event	Date
Deadline for petitioner to file information to cure deficiencies identified in Commission Staff's memorandum and, to the extent possible, address the issues raised in this Order	December 17, 2021
Deadline for Commission Staff to file a supplemental recommendation on sufficiency of the petition and propose procedural schedule	January 21, 2022

A new deadline for Marilee SUD to file a response to the petition will be established in a subsequent order.¹ Additional deadlines will be established if the petition is deemed administratively complete.

Signed at Austin, Texas the 7th day of December 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ Under 16 Texas Administrative Code § 24.245(h)(6), Marilee SUD's deadline to respond will not exceed 20 days from the date the petition is determined to be administratively complete.